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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/801,484	03/07/2001	Raymond M. Broemmelsiek	C4-971C	4741

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IP LEGAL DEPARTMENT
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EXAMINER

PARSONS, CHARLES E

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 05/28/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/801,484

Applicant(s)

BROEMMELSIEK, RAYMOND M.

Examiner

Charles E Parsons

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/15/04.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the Ito reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897). The subject matter presented in the affidavit as proof of conception and reduction to practice, is not what appears to be claimed. The claims are directed to a specific method and apparatus for detecting a moving object within the field of view of a video camera. The statement of work submitted in the affidavit does not contain any of the claimed elements.

With regards to the arguments that Ito does not teach all of the claimed elements, the Examiner notes that the only element that the Applicant alleges is not present, appears in claims 7 and 17, which depend from claim 4. In this respect the Examiner concludes that the Applicant agrees with every other aspect of the rejection.

With respect to the disputed elements, the examiner also points to figure 2,3,4 and 5, as well as column 13 lines 5-18 as well as column 16 lines 58-68.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Art Unit: 2613

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Ito PN 6,445,409.

Claim 1, 11: A method for detecting a moving object of interest, having a characteristic with a predetermined value, in a field of view of a motion video camera using a video signal received from the motion video camera, said method comprising the steps of:
receiving an object qualifying parameter representative of the characteristic with the predetermined value of the moving object of interest; (See Column 12 lines 26-28)
detecting moving objects to determine the value of the characteristic of the moving object of interest for each detected moving object; (See Column 13 lines 6-18)
determining if a value of the characteristic for each detected moving object is within a predefined tolerance of the predetermined value of the moving object of interest; (See Column 22 lines 36-48)
and generating an indication of detected moving objects having the value of the characteristic within the predefined tolerance. (See column 22 lines 60-64)

Claim 2, 9, 12, 19, 22, 25: The method of claim 1 further including the step of receiving an indication of a selected monitoring area in said field of view and wherein said step of detecting is performed in said monitoring area. (See figure 4 as well as column 22 lines 64-68)

Claim 3, 8, 13, 18: The method of claim 1 wherein, said object detection parameter is selected from the group consisting of color, velocity, position, acceleration, and size. (See Ito column 10 line 57 through column 11 line 3)

Claim 4, 14, 21, 23: A method for reducing information in a video signal having a plurality of frames received from a motion video camera with a field of view, wherein each of said frames has a data set, said method comprising:

detecting moving objects in the field of view of the motion video camera; (See Ito figure 6)

selecting objects of interest from said detected moving objects; (See Ito column 4 lines 13-32)

and creating a data set for each frame of the plurality of frames in the video signal based on detected moving objects. (See Ito column 5 lines 53-57, Histograms are data sets.)

Claim 5, 15, 24: The method of claim 4 further including the steps of: receiving an object qualifying parameter representative of a characteristic of a predetermined value of a moving object of interest; (See column 12 lines 26-28)

determining the value of the characteristic of the moving object of interest for each object of interest; (See Column 13 lines 6-18)

determining if a value of the characteristic for each detected moving object is within a predefined tolerance of the predetermined value of the moving object of interest; (See Ito column 22 lines 26-48) and

wherein the step of selecting includes the step of automatically selecting detected moving objects having the value of the: characteristic within the predefined tolerance. (See column 22 lines 66-64)

Claim 6, 16. The method of claim 4 wherein the step of selecting object definitions includes receiving an indication of at least one selected object of interest. (See figure 4 as well as column 22 lines 64-68)

Claim 7, 17, 27 and 28. The method of claim 4 wherein the step of creating said data set includes the steps of: determining if a current frame of the plurality of frames contains at least one selected object of interest;
if said current frame contains at least one selected object of interest, generating a data representation of said at least one selected object of interest and associating said data representation with said data set of said current frame; and if said current frame does not contain at least one selected object of interest, marking said data set for said current frame as empty. (See Ito column 18 lines 16-33 as well as figure 2,3,4 and 5 in addition to 13 lines 5-18 as well as column 16 lines 58-68.)

Claim 10, 20, 26. The method of claim 4 wherein the step of creating a data set includes the steps of: determining a present position and velocity of each selected object of interest; and predicting a future position of each selected object of interest based on said present position and velocity. (See Ito column 10 lines 40-56)

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Art Unit: 2613

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Parsons whose telephone number is 703-305-3862. The examiner can normally be reached on M-TH 7AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 703-305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CEP


GIMS PHILIPPE
PRIMARY EXAMINER